

REMARKS

The non-final Office Action (NFOA) issued September 15, 2009, has been carefully considered and these remarks are responsive thereto. Clarifying amendments have been made to all original claims 1 through 9. Claims 10 and 11 have been added and are supported by reference to the present application as published in accordance with U. S. Published Application 2009/0144470 of Perrot et al., paragraph [0036] for claim 10 and [0037] for claim 11.

Status of the Claims

- Claims 1-11 are pending in the Application after entry of this amendment.
- Claims 1-9 are rejected by Examiner.
- Claims 1-9 are currently amended.

Claim Rejections Pursuant to 35 U.S.C. §103

At Page 3 of the NFOA, claims 1-5 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeon (“1394 Broadband Wireless Home Network: Wireless 1394,” Korea Telecom Journal (Information and Communication), No. 19 5, 2002.5 5, pages 63-78; hereinafter, “Jeon”) in view of The ETSI IEEE 1394 SSCS (Author Unknown, “Broadband Radio Access Networks (BRAN); HIPERLAN Type 2; Packet based Convergence Layer; Part 3: IEEE 1394 Service Specific Convergence Layer (SSCS)” of ETSI TS 101 493-3, v1.2.1 (2001-12); hereinafter “ETSI,” in view of Williams et al. (IEEE 802.11-01/164, slides, March 2001; hereinafter, “Williams.” Applicants respectfully traverse the rejection on the grounds that the Examiner has failed to establish a *prima facie* case of obviousness. It is well known that a reference such as Jeon, published in the Korean language, cannot be relied upon for operability or any ground of rejection unless an English translation is made available. With an English language translation, Applicants and the Examiner can mutually agree on any facts provided by the reference.

Applicants enclose herewith a copy of a Memorandum dated April 29, 2002, of Deputy Commissioner Stephen Kunin to all Technology Center Directors, Patent Examining Corps, in which it is stated: “To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the Examiner is relying upon in

support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection.”

In the present instance, Jeon does not even provide an Abstract in the English language. The Examiner appears to be relying on pages 75-77 and what may be Figures 10 and 11 on page 76; (see Page 3 of NFOA, “Regarding claim 1 . . .” last paragraph of section 5). In his remarks, the Examiner states: “*Jeon* discloses a method of transmitting data over a wireless link, wherein it comprises the following steps: insertion of the data into packets according to a format corresponding to a protocol adaptation layer of a second protocol to adapt a first protocol for data transmission over a wireless network, different from the first protocol and transmission over the wireless network according to a second protocol (Pages 75-77, Particularly Figs. 10 and 11). (*Jeon* discloses the use of a protocol adaptation layer [PAL] to create IEEE 1394 SDUs for transmission over an 802.11 network from received IEEE 1394 traffic [Fig. 10, “Wireless 1394 PAL”]. *Jeon* further discloses that the IEEE 1394 SDUs are then encapsulated in an 802.11 MAC services data unit [MSDU] at the data link layer and transmitted over the wireless network [Fig. 11 – “802.11 MSDU” and “IEEE 1394 SDU”].)”

Applicants respectfully submit that little intelligible information may be gained from a review of pages 75-77 of Jeon or the black box figures of Fig. 10 and 11 where substantially all of Jeon is written in the Korean language. The copy of Jeon provided by the Office speaks for itself. It is not even clear that the author has the name Jeon. Indeed, the letters “jeonhoin” appear on a DBpia cover sheet. Applicants cannot agree with the Examiner as to what Jeon discloses without an English translation from the original Korean.

Applicants strongly submit that a copy of Jeon in the English language will be absolutely necessary before Applicants will be able to agree or disagree with the inferences made by the Examiner. As will be discussed below, ETSI alone does not disclose or suggest the subject matter and features of claims 1-9 or new claims 10 and 11 as amended. Williams, also discussed below, is a slide show and is only used by the Examiner as a suggestion to combine ETSI and Jeon.

Claim Amendments

Claim 1 has been amended for clarification. Applicants’ invention as claimed in claim 1 recites “a method of transmitting data over a wireless link, the method comprising:

inserting the data into packets according to a format corresponding to at least a certain layer or layers of a first protocol for data transmission over the wireless network;

constructing a frame in accordance with a second protocol for data transmission over the wireless network, the second protocol being different from the first protocol, the frame comprising said packets; and

transmitting the constructed frame over the wireless network according to the second protocol.”

ETSI discloses a convergence sublayer (for example, see Figure 1, page 12), which allows the transport of IEEE 1394 data packets as HiperLAN/2 packets, that is, into packets compatible with a first wireless protocol (HiperLAN/2). Services of the convergence sublayer are used to obtain packets, called segmentation and re-assembly (SAR) PDU, raw or packaged as a Long Channel (LCH) packet in the format used by the HiperLAN/2 Data Link Control (DLC) layer. ETSI therefore does not disclose or suggest construction of a frame in accordance with a second protocol for data transmission over the wireless network, the second protocol being different from the first protocol, the frame comprising said packets, and transmission of the constructed frame over the wireless network according to the second protocol. Clearly, ETSI alone does not describe Applicants’ claim 1 as amended.

Moreover, Williams is a slide show and is thus inoperable as a reference. Slide 4 of the slide show states: “1394 Trade Association . . .” “Working on an 802.11 Protocol Adaptation Layer” and “There are calls to create a common approach to bridging across any wireless medium, Hiperlan/2, MMAC.” At best, Williams may be calling for an approach to create a common protocol adaptation layer (PAL) compatible with two named wireless mediums for converting IEEE 1394 data into packets according to a wireless protocol. Williams admits that PAL is “contingent on 802.11 QoS meeting 1394.1 QoS needs.” Williams does not describe Applicants’ claim 1, that is, there is no discussion of a first conversion of data into packets according to a first wireless protocol before converting the wireless packets to a frame according to a second different wireless protocol.

To the contrary, Applicants at paragraph [0005] point out: “On the other hand, such a convergence layer is not standardized in the case of wireless networks operating according to the 802.11 standard, despite an attempt abandoned by the ‘1394 Trade Association,’” the same association cited by Williams slide 4. This is evidence of trial and failure by others. Indeed,

Williams provides an example of wishful thinking more than a suggestion to make an ETSI/Jeon combination.

Applicants note that pending independent Claim 7, as amended, contains distinctive features similar to that of pending Claim 1 as amended. Applicants respectfully submit that Jeon, ETSI and Williams, considered either alone or considered in combination, fail to describe or suggest the features of pending independent Claims 1 and 7. Moreover, each of Jeon (Korean) and Williams (slide show) are inoperable and fail to describe or suggest the features of either independent claim 1 or independent claim 7 as amended. Only an English language translation of Jeon will assist the Applicants or a Board of Patent Appeals and Interferences to an appreciation of the Examiner's position.

Applicants respectfully submit that pending independent Claims 1 and 7 are thus not rendered obvious under 35 USC §103(a) because all elements of the pending claims are not found in the cited art. Also, Claims 2-5 and 8-9 are also not rendered obvious because they depend on non-obvious independent Claims 1 and 7. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection of pending Claims 1-5 and 7-9 based on the remarks above and withdrawal of the rejection. Applicants also respectfully submit that the next office action not be made final because Applicants are not in possession of an English language translation of the Korean Jeon reference on which the Examiner primarily relies.

Claim Rejections Pursuant to 35 U.S.C. §103

Claim 6 dependent on claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeon in view of the ETSI in view of Williams in further view of Kuik et al. (US patent No. 7,415,535; hereinafter, "Kuik"). Applicants respectfully traverse the rejection. Claim 6 is at least allowable for the reasons that claim 1 is allowable.

The teachings of Jeon, ETSI and Williams are discussed above to the extent that Applicants are able to properly assess ETSI and Williams.

Kuik discusses a method for creating a virtual MAC address, and an Internet Protocol address is associated with the virtual MAC address (See Abstract). Kuik, FIG. 5 provides instructive details as to forming MAC address 502 via OUI 504 and IP address 506. Claim 6 as amended reads, for example: "the constructed frame being distinguished from other frames through the use of specific MAC addresses identifying origin and destination of the constructed frame." New claim 11/6/1 provides further details: "wherein the specific MAC addresses

comprise first and second addresses, a first address at an IEEE 802.11 drive level and a second address created by repeating IEEE 802.11 authentication and association.” It is respectfully submitted that Kuik fails to describe or suggest either the features of claims 6/1 or 11/6/1.

Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection of pending claim 6/1 as amended and favorable consideration of new claim 11/6/1.

Applicants have also further added new claim 10/5/1 which reads: “wherein the specific identifier comprises a logical link control packet appended to an IEEE 802.11 frame.” This feature is not described or suggested by any reference of record.

Conclusion

Applicants respectfully submit that the amended pending claims 1-9 and new claims 10-11 patentably define over the cited art and respectfully requests reconsideration and withdrawal of the rejections of all pending claims based on the arguments presented herein.

During a brief telephonic interview with Examiner Crutchfield, Applicants understand that Examiner Crutchfield has requested an English language translation of Jeon. We respectfully request that a copy be made available of such an English language translation of Jeon as soon as it is available to the Examiner. Our Washington DC counsel, Thomas Jackson, Registration No. 29808, has been authorized to request a telephonic or personal interview to further discuss allowability of the present application and pending claims 1-11. Should the Examiner have any questions on this request, the Examiner is urged to contact the undersigned attorney of record at the telephone number and address given.

The Office is authorized to charge any fees found to be due to our deposit account 07-0832. In the event any additional fee or a refund is due, the Office is authorized to debit/credit our deposit account accordingly.

Respectfully submitted,
Sebastien PEROT, et al.

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Enclosure: U. S. P. T. O. Memorandum of April 29, 2002 – Stephen G. Kunin – “Reliance upon abstracts and foreign language documents in support of a rejection,” 2 pages

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